

Temp  
RPT  
BMT  
Part-time  
Seasonal  
Co-op

EAST PENN manufacturing co., inc.  
Termination Notice

Employee Information

Employee Name: Russell V. Dorvit Employee No. 29523

Effective Date: 5-31-19 Last Day Worked: 5-29-19

Date of Benefit Termination: 5-31-19

Last Position Held: High Point

Department: Transportation

Plant: High Point Route Driver, Van 64-19

Job Title: 1st

Shift: 1st

Reason for Termination

☒ Code of Conduct Violation

☐ Layoff/No Recall

☐ Retirement

Gr. 3 #40

☐ Attendance Policy Violation

☐ Resignation

Excessive Absences Amount of Notice Given: 6 Unexcused

6 Unexcused

☐ Other (please specify): IVC

☐ Within Introductory Period

☐ Earned & unused Vac/PH days remaining to be paid out: IVC

Checklist

☐ ID Badge Returned

☐ Documentation Attached (if willful discharge)

☐ Keys/Company Property Returned

☐ Vehicle Tag Returned

☐ Other (please specify):

Last Paycheck: Mail Home

☐ Pick-up: Yes

Recommend for Rehire: No

Plant Authorization: Oliver Spivey Date: 5-31-19

Personnel Authorization: Oliver Spivey Date: 5-31-19

All copies are to be returned to Personnel

pk



CODE OF CONDUCT  
VIOLATION NOTICE

Date: May 31, 2019 Employee Number: 29523

Employee Name: Russell Dorvit

Plant: High Point Dept: Driving Shift: 1st

This violation is at: ☐ Grp 1: # ☐ Grp 2: # ☒ Grp 3: # 40

Description of violation: Insubordinate conduct.

Prior violation(s) within the last 365-days: N/A

Day(s) of suspension: N/A

Return to work date: N/A Time: N/A

Another violation of the company Code of Conduct within the next 365-day period will result in either a three day suspension or termination.

Manager Signature: Oliver Spivey

Date: 5/31/19

Personnel Signature: Oliver Spivey

Date: 5/31/19

Signing below indicates that the employee has received a copy of the violation notice and Company Code of Conduct.

Employee Signature: Discussed by Phone

Date: 5/31/19



## Zach Christie

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**From:** Zach Christie <ZChristie@dekabatteries.com>  
**Sent:** Thursday, May 23, 2019 5:17 PM  
**To:** Mike Rasool (MRasool@dekabatteries.com)  
**Cc:** Alison Snyder (AlisonS@dekabatteries.com); Scott Forbes (sforbes2@dekabatteries.com); Frank Cline; Bruce Delgarbino (bdelgarbino@dekabatteries.com)  
**Subject:** Russ Dorvit  
**Attachments:** IMG\_0642.jpg; IMG\_0643.jpg; IMG\_0644.jpg; Job Description.pdf  
**Importance:** High

Good afternoon Mike,

I wanted to reach out regarding Russ Dorvit. Yesterday, we had a customer (Atlantic Coast Toyotalift) that used to get their batteries placed on a rack. They let us know that this has not been happening recently, and that the driver just drops the pallet and leaves. The racking is easily accessible and does not appear to be a safety hazard. Once this information was provided to me, I engaged Russ Dorvit, who is their driver. When he was confronted with this, Russ stated that he refused to place the batteries on the rack. His exact words were "I don't make enough to put the batteries on the rack." He also stated that "he is not going to bend over and pull batteries off the bottom of the rack." Lastly, Russ also said that he talked with the customer a few months back, and they told him that they would place the batteries on the rack, that he didn't have to. I went earlier today and visited with the customer at their location. I also snapped a couple of pictures to show the racking system, which I have attached for reference. According to the customer, they did tell him that they would handle the batteries themselves, a few months back, but only because the driver said he had a hurt knee. The assumption from them was that once the driver was better, he would begin placing the batteries back on the rack. The driver never mentioned an injury to us, and as far as I know, the medical department was never involved either. The customer referenced is a good customer of ours, and do order on a consistent basis. Their last order was for 8-535MF's and 2-524MF's, so these were not extremely heavy batteries.

I did want to confirm what the way forward should be. I do know that the job description states that drivers may be required to place batteries at the customer site, according to their instruction, so not sure if this would factor in at all. If possible, please confirm at your earliest convenience.

Best regards,

Zachary D. Christie  
Warehouse Manager

East Penn Manufacturing Co.  
3117 Starlight Dr, Ste 100 Winston-Salem, NC 27107 Ph. 336.771.9197 Ext:39 Fax. 336.771.9952  
[Zchristie@dekabatteries.com](mailto:Zchristie@dekabatteries.com) <http://www.dekabatteries.com>

## **Zach Christie**

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**From:** Zach Christie <ZChristie@dekabatteries.com>  
**Sent:** Thursday, May 30, 2019 3:07 PM  
**To:** Alison Snyder (AlisonS@dekabatteries.com)  
**Cc:** Bruce Delgarbino (bdelgarbino@dekabatteries.com); Frank Cline; Scott Forbes (sforbes2@dekabatteries.com)  
**Subject:** Russ Dorvit  
**Attachments:** IMG\_0681.jpg; IMG\_0682.jpg; IMG\_0683.jpg; IMG\_0684.jpg; IMG\_0685.jpg; IMG\_0686.jpg; IMG\_0687.jpg; IMG\_0688.jpg; Dorvit.pdf

Good afternoon Alison,

Below is my detailed letter of the Russ Dorvit incident. I also included some text messages, of prior instances, to illustrate the insubordinate behavior.

Back on 05/22, at approximately 9:45am, Chris Kines (TSR) reached out to me regarding Atlantic Coast Toyota Lift. He had just visited the customer and expressed some concerns regarding their service. The primary concern was the fact that the driver, Russ Dorvit, was not placing their batteries on the rack. Chris stated that the batteries slide easily on the rack, and that it is easily accessible. He also stated that the driver can pull right up to the dock, which is only a few feet away. In addition to the aforementioned, there was also a concern about the driver's attitude when he makes deliveries. The customer had told Chris that the driver seems frustrated when there and always seems to be in a hurry. During our conversation, Chris suggested that I ride over and check out the customer location. Once I had the details, I engaged Russ about the issue. He said that they have not placed the batteries on the rack in years, and that the customer agreed to this some time back. Following this, Russ said that he was not going to place the batteries on the rack, that he refused to do so. There was no having a civilized conversation about the issue. He also stated that he did not make enough to put the batteries on the rack. I told him that Chris (TSR) was there and that it did not pose any risks. His response was that "Chris doesn't do a d\*\*n thing." Following this, Russ said "I have to go" and quickly left, before I could even respond. I let him know, before he got all the way out, that I would be following up.

The following day, 05/23, Chris and I rode over to ACT. I spoke with Justin, at the location, and he expressed the same concerns that were communicated to me the previous day. He said that the driver just leaves the batteries right in front of the rack, and that they always have to put them up. Justin also stated that the driver had previously said that he had a knee issue, and that they didn't mind putting the batteries on the rack, but assumed that the service would continue once it was better. Interestingly enough, this had never been mentioned to management or the medical department. Lastly, Justin did mention the driver's attitude, as described earlier. He said that Russ comes in, drops the batteries, and brings the paperwork over, placing it in their face to sign. He said that they are typically busy, so it can be a little bit of an inconvenience. After speaking with Justin, I apologized for the driver's attitude. He was ok and was reluctant to get anyone in trouble. He does, however, want the batteries placed on the rack moving forward. I did take some pictures of the rack, and also observed that the battery area is easily accessible. There is plenty of space in front of the rack, and nothing obstructing the area. The floor was also very clean. In my opinion, this is the ideal delivery area. They typically get orders bi-weekly, and the batteries ordered are 535MF's and 524MF's. Russ does claim that this is a safety issue, however, the customer has been placing the batteries on the rack. In addition, they also take the batteries off. Their customer never once mentioned that they saw this as a safety issue. The job description also covers any kneeling, bending, twisting, etc. and states that these movements are constant. It also states that a driver "may be required to place deliveries at the delivery site according to the customer instructions, including rotation of stock." To me, any refusal of this is a direct violation of the company code of conduct.

Lastly, I did want to include the attached documentation and screen shots of texts. The UPS and IPP incidents, referenced in the documentation, have improved. However, it has still been manifested in other ways. The attitude,

disrespect, and insubordinate behavior, towards myself and Bruce, has been ongoing for some time. We have given Russ plenty of opportunities, but this continues to be a major issue. I hate that it has come to this point, but Russ does not exemplify the East Penn culture, nor is he willing to do so.

Best regards,

Zachary D. Christie  
Warehouse Manager

East Penn Manufacturing Co.  
3117 Starlight Dr, Ste 100 Winston-Salem, NC 27107 Ph. 336.771.9197 Ext:39 Fax. 336.771.9952  
[Zchristie@dekabatteries.com](mailto:Zchristie@dekabatteries.com) <http://www.dekabatteries.com>

Sent from my iPhone

(336) 870-2478

Fri, Mar 29, 11:11 AM

As a follow up to yesterday regarding IPP in Denton, if you run into that in the future, let me know and just take it off your truck. I don't want there to be any issues with DOT violations.

I am trying to get all of this stuff straightened out, whether you believe that or not. Is there a way that I can better partner with you over the issues? I wish I could say that everything will be 100% accuracy all the time, but chances are, things will occasionally pop up. As stated before, the commentary on the paperwork continues to be another issue. Just so you are aware, that does warrant a group 1 offense. Again, I don't want to go down that road, and am trying to do everything I can to get everyone on board. I understand the frustration,

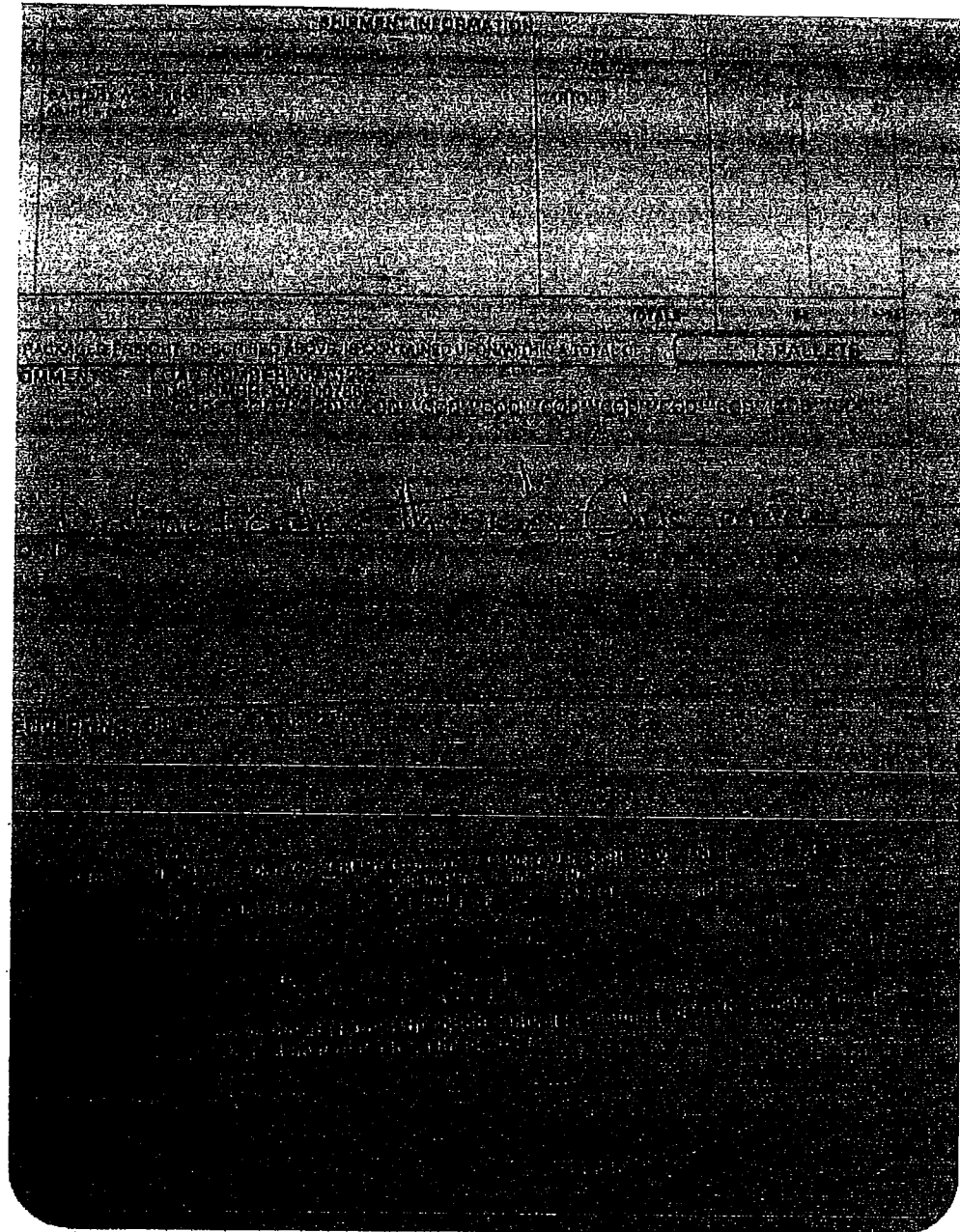


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Fri, Mar 29, 12:13 PM

Oh thats a violation but u just told



Did not order getting even older

I looked into it. It was entered under Adams Service, but was supposed to be under Adams Rentals. I have addressed this accordingly.

Russ

ended up with 7 stops (Greensboro, Mebaneville, Belows Creek)

Wed, Feb 20, 4:43 PM

Good afternoon. For our Mandatory conference call tomorrow, please see below info:

Time: 10:00am

Phone number: 669-224-3412

Access Code: 643565229

When you dial in, you will be prompted to enter the 9 digit access code. Once entered, it will connect you to the group conference. Please be sure to place your phone on mute. Please also be sure to find a safe place to take the call.

I'm gonna need to be issued a company phone. I didn't hire on with my phone. It don't work so



Russ

Fri, Jan 17, 9:21 AM

Good morning! For your run tomorrow, would you be able to drop off 4 batteries at Mighty in Asheboro? It's pretty close to Randleman, so it wouldn't be too far out of the way.

Nope

Is there a run you have that it works better on? They needed these asap, and it looked like you were going to be the closest driver tomorrow.

Tankis back by five a couple days a week. They don't open till nine I'm in Randleman by seven

5 AM that is

While that is true, tomorrow won't be one of those days with where he

Russ

Put it on mine but don't turn around  
an call me out on setting 2 hrs for  
them to open.

Appreciate it. I have Chris Kines  
reaching out to see if they can be  
there earlier.

There was never a call out, just a  
simple question that required a  
simple answer. If no one ever  
communicates, it's hard to  
determine why 2 hours would be  
spent just sitting. I'm going to have  
my ducks in a row, just in case.

I had gave you a simple answer it  
was no. You forget quick.

When I had initially reached out,  
regarding why you had been at  
Lowe's for 2 hours a few months  
ago, I got a little more than a simple  
answer. It was more like a lecture.

Russ

When I had initially reached out regarding why you had been at Levee's for 2 hours a few months ago, I got a little more than a simple answer. It was more like a lecture. That's what I'm referring to. Perhaps the issue isn't me forgetting, but the reluctancy and sarcasm I get anytime I reach out with a question.



You call it sarcasm I call it the truth.

It is what it is, just part of the day to day.

Just curious though, what's it all come from? You claim it's the truth, but it often comes out in a sarcastic, and sometimes angry way. Is there that much hate for

Russ



You call it sarcasm I call it the truth.

It is what it is, just part of the day to day.

Just curious though, what's it all come from? You claim it's the truth, but it often comes out in a sarcastic, and sometimes angry way. Is there that much hate for certain people that work here? Is it all really bad enough to bring it on?

Lol u read into stuff to much. I don't sugar coat the truth. Guess I'll keep my text to one word text for ya. Not sure of the whole hate thing u speak of. Smh. Lol

Ok, whatever you say. Just stating the obvious and trying to



**Zach Christie**

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**From:** Bruce Delgarbino <bdelgarbino@dekabatteries.com>  
**Sent:** Thursday, May 30, 2019 11:53 AM  
**To:** Alison Snyder (alisons@dekabatteries.com)  
**Cc:** Zach Christie (ZChristie@dekabatteries.com); Scott Forbes (sforbes2@dekabatteries.com); Frank Cline (fcline1@dekabatteries.com)  
**Subject:** FW: Atlantic Coast Toyotalift  
**Attachments:** IMG\_0642.jpg; IMG\_0643.jpg; IMG\_0644.jpg

Hi Alison,

Thank you for all your help with this situation. Zach and I really appreciate it.

Please see the statement below from Chris Klines, our TSR for Atlantic Coast Toyotalift.

I would also like to add a few thoughts of my own.

As Chris pointed out, our Sales Service Specialists, TSR's, and DM's are faced with the task of rearranging batteries on the racks of many of our national accounts, such as Sam's Club, Bass Pro, Cabela's, West Marine, etc. This is normally for the purpose of pulling batteries off the rack that are due for rotation and/or making sure the batteries are in good FIFO order. The racks all have a bottom shelf and that is something that we simply have to deal with. All of us have been in the situation where we are pulling 8D's, 4D's, or Golf Car batteries off the bottom shelf and then having to put them back on that same shelf. This is just part of the job. And as Chris points out below, the batteries in question at Atlantic Coast are actually on the second shelf, not the very bottom.

I also want to point out that the pictures that were sent earlier (see attached for reference) were after the delivery had been made that week. Russ said yesterday that he would have to pull 8-10 batteries off the rack to put the new ones on the rack. Chris told me yesterday that Atlantic Coast normally waits until their inventory is down to 3 or 4 batteries, so that is all that is usually needed to be moved. It could even be less if they have used some between when the order was taken and the delivery made.

In reading over the job description for 5710-Straight Van, under Physical Demands, it appears that all possible scenarios are covered. Russ requested and received a copy of this, so he should be well aware of the expectations.

Thanks,  
Bruce

Bruce DelGarbino  
District Manager

East Penn Manufacturing Co.  
3117 Starlight Drive--Suite 100  
Winston-Salem, NC 27107  
Ph. 336.771.9197 Fax. 336.771.9952  
Cell. 336.847.9501  
bdelgarbino@dekabatteries.com  
<http://www.dekabatteries.com>

-----Original Message-----

From: Chris Kines [mailto:ckines@dekabatteries.com]

Sent: Thursday, May 30, 2019 10:39 AM

To: Bruce Delgarbino

Subject: Atlantic Coast Toyotalift

Hi Bruce,

Please see following history of Atlantic Coast Toyotalift:

Atlantic Coast Toyotalift has been a customer of EPMs for over 20 years as they were Ken Kiser's account before I became their TSR in 2000. EPM route salesmen and drivers have been placing batteries on the rack until recently. A guesstimate of 5-6 months. This is a service ACT would like EPM to continue to provide for them. On May 22, I delivered some post protectors to ACT because they added this on their order too late to make it on the scheduled truck. When I delivered the post protectors, Justin the parts manager, asked if the driver could put the batteries on the rack again. I called and asked Zack Christie to contact the driver to place the batteries on the rack when he makes the delivery later that day. While I was there, I slid the batteries to one side of the rack to create space for the driver to place and slide batteries in place for FIFO with hope to make it easier and to save time for the driver. The batteries slide very easy and with little effort on the rack. This is a very similar rack that TSRs encounter at Sam's Club and Walmart during their quarterly visits. TSRs have to rearrange the batteries according to FIFO which requires them to slide and reorganize the rack. The batteries slide with little effort on these racks just as they do on the rack at ACT. This ACT order consisted of 10 batteries being 8 — 535MF and 2 — 524MF. Most orders are 6-8 batteries and only consist of these 2 part numbers. I was notified at the end of the day the driver did not place the batteries on the rack. Zack and I met with Justin (parts manger at ACT) the next morning concerning this service as well as inspecting the rack, space for delivery and difficulty of placing batteries on the rack. This particular rack is against the wall and cannot be loaded from the back but batteries slide very easily on this rack with very little effort. Zack took pictures of the rack and it is in great shape. I showed Zack how easy the batteries slide on the rack for FIFO. The driver is able to use a dock to move the pallet of batteries with the electric pallet jack into the facility. There is also enough space to move the pallet with the pallet jack from the dock to the front of the rack, which Justin said the driver currently does. There are no obstacles in front of the rack to lift over. The driver can pick the batteries up from the pallet and place the batteries directly on the rack. The 535MF and 524MF location is on the second level from the bottom of the rack so the batteries have to be lifted approximately 1 foot from the pallet to the shelf of the rack. As stated previously, I slid the batteries to one side so the driver could place the batteries on the rack without having to move anything and slide the new ones behind the older ones for FIFO. This particular delivery the driver placed the batteries on the floor. In a separate instance, I took all of the older batteries off of the rack and placed on the floor so the driver didn't have anything obstructions and could slide all of the newer batteries to the back of the rack and place the older batteries in front. The driver did not place the batteries on the rack on this instance either. I do not remember when this instance occurred. Justin nor I want to get anyone in trouble but Justin would like EPM to provide this service again as they are very busy when the driver makes a delivery. When I call on Justin, he is busy and doesn't have a lot of time to talk.

Best Regards,

Chris Kines  
Territory Sales Rep.  
East Penn Mfg. Co., Inc.  
336.491.1295  
ckines@dekabatteries.com

Sent from my iPad